



City of Olathe

Legislation Details (With Text)

File #: G19-955
Type: New Business-Public Works **Status:** Agenda Ready
File created: 7/5/2019 **In control:** City Council
On agenda: 8/6/2019 **Final action:** 8/6/2019
Title: Consideration of Ordinance No. 19-41, RZ19-0008, requesting approval for a rezoning from R-2 District to D (Downtown Mixed Use) District and preliminary site development plan for My Child Advocate containing 1 lot on 0.26± acres; located at 313 N. Chestnut Street. Planning Commission recommends approval 5-0.
Sponsors: Aimee Nassif, Emily Carrillo

Indexes:

Code sections:

Attachments: 1. A Planning Commission Packet, 2. B Planning Commission Minutes, 3. C Ordinance 41

Date	Ver.	Action By	Action	Result
8/6/2019	1	City Council	approved	Pass

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Emily Carrillo, Senior Planner

SUBJECT: RZ19-0008: Rezoning R-2 District to D (Downtown Mixed Use) District Applicant: Jason and Trina Nudson; Nudson Properties

ITEM DESCRIPTION:

Consideration of Ordinance No. 19-41, RZ19-0008, requesting approval for a rezoning from R-2 District to D (Downtown Mixed Use) District and preliminary site development plan for My Child Advocate containing 1 lot on 0.26± acres; located at 313 N. Chestnut Street. Planning Commission recommends approval 5-0

SUMMARY:

The applicant is requesting a rezoning from R-2 (Residential Two-Family) District to the D (Downtown Mixed Use) District and a preliminary site development plan for a new law office for My Child Advocate located at 313 N. Chestnut Street. The proposal includes the demolition of an existing building and construction of a new, 4,291 square-foot office building on the subject property.

The existing structure on site is currently being used as a law office. The existing law office is permitted through an approved Special Use Permit (SUP), which was obtained by the applicant originally in 2010, and was renewed in 2015. The renewal was approved for 5 years, with an expiration date of May 30, 2020. Since the renewal of the SUP in 2015, the Unified Development Ordinance (UDO) has been amended, and no longer allows professional offices in the R-2 District with a SUP. The SUP is still valid through May 30, 2020; however, the applicant would not be able to renew the SUP prior to its expiration. Rezoning the subject property to the D (Downtown Mixed Use) District would allow the law office by-right as a permitted use.

The existing structure was built in 1920, and therefore was considered for placement on the Olathe

Register of Historic Places. At their May 16, 2019 meeting, the Olathe Historic Preservation Board (OHPB) found that there was no historical significance to the existing structure and did not object to it being replaced. The OHPB formally requested that the applicant allow for documentation of the structure in the form of photos, as well as any historic deed or property owner information to be collected prior to demolition. The OHPB made a formal recommendation to staff, Planning Commission, and City Council in favor of this application and architectural design “as a precedent of historically sensitive infill, whenever older residential homes are removed from the Downtown Core and Mixed-Use transition area to become commercial establishments in the D-Downtown district.”

A Neighborhood Meeting was held in accordance with Unified Development Ordinance (UDO) standards on June 17, 2019, with three (3) citizens in attendance. Main topics of discussion focused on a description of the current office use and functions, proposed plans and elevations, and adjacent alley conditions. All attendees were supportive of the proposal.

Two waivers are requested with the preliminary site development plan application; one to allow a reduction in the minimum required frontage buildout from 80% to 55%. The second is to allow the other more than one commercial off-street parking area on a block in the Downtown District. Staff is supportive of both waiver requests, and further details of the waiver requests and staff’s analysis can be found in the Planning Commission packet.

During the Planning Commission meeting, two revisions to the staff report were made. The first revision was a correction to Section 6, Building Design bullet point (i), to state that the northern façade incorporates a 14% projection for a total of 22.6% of the façade. The second revision was for the addition of a stipulation to grant the two waivers referenced above.

On July 8, 2019, the Planning Commission voted 5-0 to recommend approval of RZ19-0008 as presented, and the preliminary site development plan, with the stipulations as shown, and the addition of one stipulation as reflected in the meeting minutes. No individuals spoke in support or opposition of the proposal at the Planning Commission hearing.

FINANCIAL IMPACT:

None.

ACTION NEEDED:

1. Approve Ordinance No. 19-41 for a rezoning from the R-2 District to the D (Downtown Mixed Use) District as recommended by the Planning Commission.
2. Deny Ordinance No. 19-41 for a rezoning from the R-2 District to the D (Downtown Mixed Use) District.
3. Return the rezoning application to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body’s failure to approve or disapprove.

ATTACHMENT(S):

- A. Planning Commission Packet
- B. Planning Commission Minutes
- C. Ordinance 19-41